IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6979 OF 2005

Karon Rajesh Shaiva . .. Petitioner.

vs.

Mario Miranda & Anr. .. Respondents.

Mr. Rajesh B. Parab & R.P. Walvekar

....for petitioner.

Mr. A.L.N. Khatri for respondent no.1.

CORAM : S.U. KAMDAR, J.

DATE : 23rd November, 2005.

P.C.:

. By consent of the parties, the following order is passed.

2. The respondent no. 1 undertakes to this Court that he will hand over vacant and peaceful possession of the suit property to the Court Receiver, High Court, Bombay within a period of two weeks from today. In an event if the respondent no.1 fails to hand over possession, the Court Receiver, High Court, Bombay will stand appointed forthwith and shall take possession of the said

property after expiry of the period of two weeks. The Court Receiver is directed to appoint a agent of the said property on usual terms and conditions. The parties to the present petition will be at liberty to bid before the Court Receiver and the Court Receiver will appoint the highest bidder as agent on usual terms and conditions of security and compensation.

3. Both the parties to the present petition i.e. the petitioner and the respondent no. 1 will be at liberty to adopt appropriate legal proceedings as may be available to establish their respective rights including the execution of the consent decree which is in favour of the respondent no. 1 herein. Till the Court passed an appropriate order on application directing the Receiver to hand over the possession of the property to either of the parties, the Court Receiver will continue and the Receiver shall abide by the orders passed by the Court or competent authority on the proceedings to be initiated by either parties in the Court of Law.

4. Petition is accordingly disposed of. There shall be no order as to costs.